



State of New York  
Supreme Court, Appellate Division  
Third Judicial Department  
P.O. Box 7288, Capital Station  
Albany, NY 12224-0288

Robert D. Mayberger  
Clerk of the Court

(518) 471-4777  
fax (518) 471-4750  
<http://www.nycourts.gov/ad3>

## **FEBRUARY 2024 Term Calendar**

This is a TENTATIVE calendar of argued and submitted cases. For those cases being argued, the listing below is intended to indicate only the date and time argument has been scheduled to occur and not the sequence in which the cases will be called. An updated Session Calendar, indicating the Justices sitting for a particular session, the attorneys arguing, and the time allowed for each argument, will be posted on the Appellate Division, Third Department website ([www.nycourts.gov/ad3](http://www.nycourts.gov/ad3)) one week prior to the beginning of the term. The Court's policy requires notice of any calendar changes at least 24 hours prior to argument and your failure to abide by this policy could result in the imposition of costs. Please be advised the Court's arguments are streamed live via the Court's website.

### **TUESDAY, FEBRUARY 13, 2024 01:00 PM SESSION**

#### **To Be Argued:**

|            |  |
|------------|--|
| 535793     | NEAL v BENN                            |
| CV-22-1936 |  |
| 535660     | FITZPATRICK v TVETENSTRAND             |
| 113054     | PEOPLE v MARCELLO DOUGLAS              |
| CV-23-0610 | WEST MOUNTAIN ASSETS, LLC, v DOBKOWSKI |
| 113487     | PEOPLE v MATTHEW HARRIES               |
| CR-22-2360 |  |

#### **To Be Submitted:**

|            |  |
|------------|--|
| 112513     | PEOPLE v KAWON E. IMES                           |
| CV-22-2320 | MATTER OF WALKER v FERNANDEZ                     |
| CV-23-0234 | MATTER OF BORNHOLZ v DiNAPOLI                    |
| CV-22-2154 | MATTER OF DENT v AMAZON.COM SERVICES, INC.       |
| CV-23-0503 | MATTER OF LOSQUADRO v NASSAU COUNTY POLICE DEPT. |



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**WEDNESDAY, FEBRUARY 14, 2024**  
**01:00 PM SESSION**

**To Be Argued:**

|            |  |
|------------|--|
| CR-22-2067 | PEOPLE v DUNCAN MACLEAN  |
| CV-23-0873 | KIERNOZEK v SARATOGA CTR. FOR REHAB & SKILLED NURSING CARE       |
| 534496     | MATTER OF DUMPLING COVE LLC v COMMISSIONER OF TAXATION & FINANCE |
| 113251     | PEOPLE v SEAN MCKOWN   |
| CR-22-2335 |  |
| 113198     | PEOPLE v JOHN C. HEIDRICH  |

**To Be Submitted:**

|            |   |
|------------|---|
| 113391     | PEOPLE v JAMES E. DURHAM                            |
| CV-22-2182 | MATTER OF QUANNIE T.                                |
| 536151     | MATTER OF ROBERT M. v BARBARA L.                    |
| CV-22-2054 | MATTER OF VICTOR KLOSTERMAN (COMMISSIONER OF LABOR) |
| CV-22-2295 | MATTER OF KAMINSKI v INTEGRATED STRUCTURES CORP.    |
| 535782     | MATTER OF TALARICO v COUNTY OF NIAGARA              |



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**FRIDAY, FEBRUARY 16, 2024**  
**09:30 AM SESSION**

**To Be Argued:**

|            |  |
|------------|--|
| 112910     | PEOPLE v JALIL A. BUTTS  |
| CV-23-0368 | VISCUSI v MAIORANO   |
| CV-23-1911 | MATTER OF ASSOCIATED GEN. CONTRACTORS OF NEW YORK<br>STATE v NEW YORK STATE DEPT. OF LABOR |
| 535862     | FLAGSTAR BANK FSB v STEWART  |

**To Be Submitted:**

|            |   |
|------------|---|
| CV-23-0055 | MATTER OF DARLING v DARLING   |
| CV-23-1059 | MATTER OF NEW YORK ANNUAL CONF. OF UNITED METHODIST<br>CHURCH v BETHEL BIBLE MINISTRIES |
| 535964     | MATTER OF GLASGOW v CON EDISON  |
| 109796     | PEOPLE v DARRELL SHARPTON   |
| 109182     | PEOPLE v KRISTINA HYER  |
| 536164     | MATTER OF CALA v PAL ENVTL. SAFETY CORP.  |



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**TUESDAY, FEBRUARY 20, 2024**  
**01:00 PM SESSION**

**To Be Argued:**

|            |  |
|------------|--|
| 535621     | PASTERNAK v COUNTY OF CHENANGO                                 |
| CV-23-0480 | MATTER OF DOE v STATE UNIV. OF NEW YORK COLLEGE AT<br>CORTLAND |
| CV-23-1044 | MATTER OF O'MALLEY v TOWN OF VESTAL POLICE DEPARTMENT          |
| CV-23-0235 | MATTER OF HANNON v DINAPOLI                                    |
| CV-23-0362 | ZIMMERMAN v LEATHERSTOCKING COOPERATIVE INS. CO.               |

**To Be Submitted:**

|            |  |
|------------|--|
| 112053     | PEOPLE v JASON R. CHASE  |
| CR-23-1333 |  |
| CV-23-0419 | MATTER OF SAVANNA II. v JOSHUA JJ.                             |
| 112526     | PEOPLE v JAMES LEE   |
| CV-22-2056 | MATTER OF JAMES DUNN (COMMISSIONER OF LABOR)                   |
| CV-22-1999 | MATTER OF SCHUETTE v CONSOLIDATE EDISON COMPANY OF NEW<br>YORK |



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**WEDNESDAY, FEBRUARY 21, 2024**  
**01:00 PM SESSION**

**To Be Argued:**

|            |   |
|------------|---|
| CV-23-1778 | CUOMO v NEW YORK STATE COMMN. ON ETHICS             |
| CV-23-1379 | A.G. v VAIL RESORTS MGT. CO.                        |
| CV-23-0508 | MATTER OF AKHTAR v NAEEM                            |
| CV-23-0669 | MATTER OF RECLAIM THE RECORDS v NYS DEPT. OF HEALTH |

**To Be Submitted:**

|            |  |
|------------|--|
| CV-23-1799 | MATTER OF BUFFO v NEW YORK STATE DEPT. OF MOTOR VEHICLES |
| 112603     | PEOPLE v DANIEL J. GUYNUP                                |
| CV-23-0896 | MURRAY v BICKERTON                                       |
| 113186     | PEOPLE v TERRANCE HEAD                                   |
| CV-23-0454 | MATTER OF KYLE LAMPHIER (COMMISSIONER OF LABOR)          |
| CV-22-2032 | MATTER OF DELISO v NEW YORK CITY TRANSIT AUTH.           |



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**THURSDAY, FEBRUARY 22, 2024**  
**01:00 PM SESSION**

**To Be Argued:**

|            |   |
|------------|---|
| 536095     | MATTER OF ADEN HH. v CHARISH GG.                    |
| CV-22-1974 | MATTER OF ESTATE OF KAREN E. RYAN                   |
| CV-23-0988 | ALI-HASAN v ST. PETER'S HEALTH PARTNERS MED. ASSOC. |
| 536121     | METLIFE HOME LOANS v WILLCOX                        |
| CV-22-2138 | HSBC BANK USA v SHEELEY                             |

**To Be Submitted:**

|            |   |
|------------|---|
| 111109     | PEOPLE v TEDDY A. FAISON                              |
| CV-22-2240 | MATTER OF SAT v BJS WHOLESALE CLUB, INC.              |
| 113534     | PEOPLE v JOHANNA M. DORSEY                            |
| CV-23-0541 | MATTER OF PETER DIXON-DOMINES (COMMISSIONER OF LABOR) |
| CV-22-2040 | MATTER OF MINA v NEW YORK CITY TRANSIT AUTH.          |



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**FRIDAY, FEBRUARY 23, 2024**  
**09:30 AM SESSION**

**To Be Argued:**

|            |  |
|------------|--|
| 112610     | PEOPLE v ROBERT KENDRICKS                              |
| 112693     |  |
| CV-22-2152 | PICCIRILLI v BENJAMIN                                  |
| CV-22-2229 |  |
| CV-23-0289 | MATTER OF PAK v NEW YORK STATE DEPT. OF MOTOR VEHICLES |
| 536174     | MATTER OF ERIK LL.                                     |
| 533911     | PEOPLE v JORGE LOPEZ (SORA)                            |

**To Be Submitted:**

|            |   |
|------------|---|
| 113131     | PEOPLE v ALEXANDER S. MOSHER                  |
| CV-22-2147 | MATTER OF SEIDE v THE BROOKLYN HOSP. CTR.     |
| CV-22-2002 | MATTER OF MATTHEW E. v LAURA E.               |
| CV-23-1359 | MATTER OF CHERN v DINAPOLI                    |
| CV-22-2146 | MATTER OF LEON v STRUCTURE TECH NEW YORK INC. |